

## REMARKS

### **A. Status of the Claims**

Claims 1-5 were pending at the issuance of the instant Office Action. Claims 1-5 stand rejected. The rejection is traversed for the reasons provided below.

### **B. The Claims are not Obvious in view of Bressi *et al.***

Claims 1-5 are rejected under 35 USC §103(a) as unpatentable over Bressi *et al.* for the reasons set forth in the Office Action of September 21, 2007. The Office Action of September 21, 2007 specifically indicated that it would have been obvious to a person skilled in the art to use HDAC inhibitors to treat ocular *neovascular* conditions based on the teaching of Bressi *et al.* (see page 3, second paragraph of the Office Action).

As pointed out in Applicant's Response to the Office Action of September 21, 2007, Bressi *et al.* do not teach or suggest that histone deacetylase (HDAC) inhibitors can be used to treat *degenerative* conditions or diseases of the eye. In contrast, Bressi *et al.* teach that certain HDAC inhibitors can be used to treat abnormal and uncontrolled angiogenesis, which may be factors in certain ocular diseases (col. 33, line 46 to col. 34, line 20). As discussed previously, the conditions and diseases recited in the instant claims are not angiogenic diseases. Rather, the conditions and diseases recited in the instant claims are degenerative. One of skill in the art recognizes that degenerative diseases may involve deterioration and/or the loss of function, characteristic, or structure of particular tissues or cells within the body, while angiogenic diseases involve the abnormal growth of blood vessels. Therefore, one of skill in the art would not necessarily expect a compound that was known to be useful for preventing growth of new blood vessels to also be useful for preventing degeneration of cells or tissues.

Also, Applicant respectfully points out that those of skill in the art clearly recognize that dry AMD is a non-neovascular (*i.e.* non-angiogenic) disease, while wet AMD is a neovascular (*i.e.* angiogenic) disease. Bressi *et al.* mention macular degeneration as an angiogenic disease (see col. 33, line 51-53), and, therefore, were specifically referring to wet AMD. Bressi *et al.* never mention the dry form of AMD. Thus, one of skill in the art would not have any reason to believe that the HDAC inhibitors taught by Bressi *et al.* would be useful for treating an ocular disease that did not involve angiogenesis.

In addition, the Action alleges that “use of the claimed compound for the treatment of retinopathy would also treat the cellular damage associated with retinopathy.” Bressi *et al.* only discuss treating abnormal angiogenesis accompanying diabetic retinopathy (see col. 33, lines 47-51). However, cellular damage associated with diabetic retinopathy may occur separate from angiogenesis events accompanying diabetic retinopathy. Thus, it is not clear that treating retinopathy would also treat the cellular damage associated with retinopathy.

As discussed previously and above, the ocular diseases and disorders recited in the instant claims have different pathophysiologies than the ocular angiogenic diseases discussed by Bressi *et al.* Consequently, the instant claims are not obvious in view of Bressi, because Bressi *et al.* do not provide any teaching that would motivate one skilled in the art to use an HDAC inhibitor to treat a non-angiogenic ocular disease.

In light of the foregoing arguments, Applicant respectfully requests that this ground of rejection be withdrawn.

Serial No.: 10/694,309 (Conf. #3568)  
Filing Date: 27 October 2003  
Page 4

**C. Conclusion**

This is submitted to be a complete response to the outstanding Action. Based on the foregoing arguments, the claims are believed to be in condition for allowance; a notice of allowability is therefore respectfully requested.

The Examiner is invited to contact the undersigned attorney at (817) 615-5330 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

/Jason J. Derry, #50,692/

Jason J. Derry  
Reg. No. 50,692  
Attorney for Applicants

ALCON RESEARCH, LTD.  
6201 S. Freeway, TB4-8  
Fort Worth, TX 76134-2099  
(817) 615-5330

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